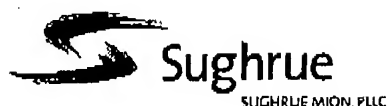


JUN-23-2004 14:48

SUGHRUE MION

202 293 7860 P.01



2100 Pennsylvania Avenue, NW
Washington, DC 20037-3213
T 202.293.7060
F 202.293.7860

www.sughrue.com

FAX

Date June 23, 2004

To Examiner Jon P. Weber

Of PTO, Group 1651

Fax 1-571-273-0925

From Mark L. Hayman

Subject Copy of stamped filing receipt of Mary 28, 2004, and Statement of Availability

Our Ref Q67472 Your Ref USSN 10/029,862

Pages 4
(including cover sheet)

Please call attention to problems with this transmission by return fax or telephone. Thank you.

THE INFORMATION CONTAINED IN THIS COMMUNICATION IS CONFIDENTIAL, MAY BE ATTORNEY-CLIENT PRIVILEGED, AND IS INTENDED ONLY FOR THE USE OF THE ADDRESSEE. UNAUTHORIZED USE, DISCLOSURE OR COPYING IS STRICTLY PROHIBITED AND MAY BE UNLAWFUL. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US.

Examiner Weber:

As you requested, attached please find a copy of stamped filing receipt, and of the Statement of Availability dated May 28, 2004. If you need anything further please let us know.

Sincerely,

Mark Hayman

24

FILING RECEIPT
PLEASE DATE STAMP AND RETURN TO US - BOX 235X

In re application of

Hajime NAWATA, et al.

Appln. No.: 10/029,862

Group Art Unit: 1651

Confirmation No.: 4019

Examiner: Jon P. WEBER

Filed: December 31, 2001

For: METHOD FOR IDENTIFYING ENDOCRINE DISRUPTORS AND KIT FOR CARRYING OUT
THE SAME

PAPER(S) FILED ENTITLED:

1. Amendment Under 37 CFR § 1.111
2. Statement of Availability
3. Declaration Under 37 CFR § 1.132
4. Petition for a 1-Month Extension of Time (with check no. 248063
for \$110.00)

SUGHRUE MION, PLLC

Telephone: (202) 293-7060

Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

DOCKET NO.: Q67472

ATTORNEY/SEC: GK:MLH/hlb

Date Filed: May 28, 2004



PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Attorney Docket No.: Q67472

Hajime NAWATA et al.

Conf. No.: 4019

Appln. No.: 10/029,862

Group Art Unit: 1651

Filed: December 31, 2001

Examiner: Weber, J.P.

For: **METHOD FOR IDENTIFYING ENDOCRINE DISRUPTORS AND KIT FOR
CARRYING OUT THE SAME**

STATEMENT OF AVAILABILITY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FILED
MAY 28 2004

Sir:

We, OTSUKA PHARMACEUTICAL CO., LTD., do depose, declare and state that:

We are the Assignee of the entire right, title and interest of the invention described and claimed in the above-identified application, as evidenced by the Assignment recorded on April 19, 2002, at REEL 012820, FRAME 0506.

We agree that upon allowance and issuance of the above-identified application into a United States Patent, restriction on availability of:

KGN cell line, assigned FERM-8171

which is designated in the specification of the above-identified application and was deposited under the terms of the Budapest Treaty at the International Patent Organism Depository of the NIAIST in Japan on August 29, 2002, will be irrevocably removed.

STATEMENT OF AVAILABILITY
U.S. PATENT No. 10/029,862

Q67472

We agree that the above-identified cell line designated in the above-identified application will be maintained for a period of 30 years or 5 years after the last request for the deposit or for the effective life of any patent which issues on the above-identified application, whichever is longer;

We agree that if the deposit becomes non-viable, it will be replaced; and

We also assure access to the deposit to one determined by the Commissioner to be entitled thereto under 37 C.F.R. § 1.14 and 35 U.S.C. § 122.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

OTSUKA PHARMACEUTICAL CO., LTD.

Date: April 20, 2004Name: Name: Kazuhiro ToritaTitle: Senior Operating Officer